



W.P(MD)No.18333 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.18333 of 2024

1.P.Chellam
2.E.Amutha
3.S.Geetha
4.Thiruvvasugi

... Petitioners

Vs.

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The Sub Registrar,
Paramakudi, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip in RFL/Paramakudi/16/2024, dated 19.07.2024 passed by the 2nd respondent and quash the same and consequently, directing the 2nd respondent to register the settlement deed dated 19.07.2024 executed by the 1st petitioner in favour of his wife.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.C.Satheesh,

Government Advocate



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ORDER

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According to the petitioners, the property in Door No.6/357 and 6/357A situated at Periya Kadai Street, Paramakudi Town originally belonged to the father of the petitioners. Their father executed a Will dated 14.05.1990, bequeathing the property in question in favour of the 1st petitioner, which was not disputed by the petitioners 2 to 4. Therefore, the 1st petitioner became the absolute owner of the property in question. He decided to execute a (*)**settlement deed** in favour of his wife in respect of the property in question. Therefore, he presented the (*)**settlement deed** dated 19.07.2024 before the 2nd respondent for registration. However, the 2nd respondent, vide refusal check slip dated 19.07.2024, refused the same on the ground that patta has not been produced. Challenging the same, the petitioners have filed this Writ Petition.

2.The learned counsel appearing for the petitioners would submit that in respect of the property in question, town survey number alone is granted and the petitioner is also paying tax for the property in question and has annexed tax receipts in the typed set of papers. Therefore, insisting patta does not arise at all.

3.The learned Government Advocate appearing for the respondents would fairly submit that town survey number alone is granted to the property in question and therefore, there is no necessity to issue patta.



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4. In view of the said submission, this Court is of the view that when the title is not disputed and the 1st petitioner is in possession of the property in question, insisting patta for registration does not arise at all. What is required to be seen is only the identity of the person, who is executing the document. When the petitioner has title to the property and he claims title on the basis of the Will executed by his father, who has derived title by way of registered partition deed, the registering authority ought to have registered the document. In such view of the matter, the impugned order of the 2nd respondent is quashed and this Writ Petition is allowed with a direction to the 2nd respondent to register the document presented by the 1st petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-III)

(*)Corrected as per the order of this court dated 18.12.2024 in WP(MD) No. 18333/2024.

Sd/-

Assistant Registrar(C.S-III)

// True Copy //

/01/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

Yuva

<https://www.mhc.tn.gov.in/judis>



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(*)To be substituted to the order already despatched on 11.11.2024.

To

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The Sub Registrar,
Paramakudi, Ramanathapuram District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-57408[F] dated 16/10/2024)

+1 CC to M/s.SPL GP (SR-75917 & 75918[F] dated 20/12/2024)

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15.10.2024

SI -(08.11.2024) 4P/ 5C

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KVL (29.01.2025) 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.